

CENTRAL INTELLIGENCE AGENCY

WASHINGTON 25, D. C.

OGC Has Reviewed

June 12, 1956

The Honorable Joseph Campbell
Comptroller General of the United States
Washington 25, D. C.

Dear Mr. Campbell:

The enclosed vouchers of [redacted] 25X1A9A
in the amounts of \$211.86 and \$101.00, respectively, represent travel
expenses of their dependents which were deducted from the original
expense accounts prior to certification for payments, because the
dependents, traveling under home leave orders of the employees,
elected to travel in the "on" season when fares were higher than in
the "off" season, when the employees traveled. 25X1A

Under directions of travel order [redacted] dated 31 August
25X1A9A [redacted] was authorized to travel from [redacted] on or 25X1A6A
about 15 October 1953, to Washington, D. C. for temporary duty; to

25X1 at 1900. "Off" season rates, which would have represented a saving
of \$211.86 for the dependents' transportation, were effective 1 November
25X1A9A 1953. [redacted] arrived in [redacted] on 12 October 1951. 25X1A6A

25X1A9A Travel order No. [redacted]
authorized [redacted] to travel from [redacted] on or about 25X1A6A
12 November 1953 to Fredericksburg, Virginia for home leave; to
Washington, D. C. for temporary duty; and, return to [redacted] on
or about 15 March 1954. Transportation for his wife also was authorized.

25X1A9A [redacted] departed from [redacted]
25X1A6A 1953 at 1900, whereas his [redacted] 25X1A9A
period of "off" season rates. [redacted] arrived in [redacted] 25X1A6A
on 1 November 1951 and did not become entitled to home leave rights
until 1 November 1953.

Payment of travel expenses of employees of this Agency and their
dependents are governed by section 5 (a)(1)(B) and (3)(A) of Public
Law 110, 81st Congress, which provide that:

"Under such regulations as the Director may prescribe,
the Agency, with respect to its officers and employees assigned
to permanent-duty stations outside the continental United States,
its territories, and possessions, shall --

"(1)(B) pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;"

"(3)(A) Order to the United States or its Territories and possessions on leave provided for in U.S.C. 30, 30a, 30b, or as such sections may hereafter be amended, every officer and employee of the Agency who was a resident of the United States or its Territories and possessions at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter:"

25X1A The language of (1)(B) is substantially adapted from the Foreign Service Act of 1946, P.L. 724, 79th Congress, Section 911(2) and the controlling [redacted] which provides that travel and transportation expenses may be paid in accordance with the provisions of P.L. 600, 79th Congress; P.L. 92, 81st Congress; Agency and other appropriate legislation, regulations issued thereunder, the Standardized Government Travel Regulations, the Foreign Service Regulations, and as specified in Agency Regulations.

Pursuant to this regulation the following Agency policy was established in connection with home leave:

"The Agency will pay the travel expenses of officers and employees of the Agency incurred while traveling pursuant to orders granting home leave. The Agency will pay the travel expenses of members of the family of an officer or employee of the Agency when accompanying him on authorized home leave."

25X1
25X1A [redacted]
The Agency regulation controlling the advance return of dependents is substantially the same as the Foreign Service Regulation. It is [redacted] [redacted] 25X1A
[redacted]
[redacted]

25X1A The Foreign Service Regulations provide in section 125.1 that the Department may in extreme hardship cases involving physical, mental, or emotional factors, authorize dependents to return to the United States at Government expense in advance of the employee when such action has been determined to be in the best interest of the Foreign Service in accordance with FSTR 180-2.22 and 2.32.

In light of the standards set up by the Foreign Service and Agency regulations, it is apparent that authorization of advance travel of dependents must be based upon a finding that it is in the best interests of the Agency, although such interests can be personal

to the individual, and the recommendation submitted by the officer in charge must be fully supported by facts justifying such finding.

25X1A9A

It follows that if the separate or advance travel of the dependents of [] was authorized, their claims for the excess transportation costs would be valid. There is some question, however, as to whether the advance travel in the sense of the law and regulations was appropriately authorized, although it might seem reasonable for the employees concerned to have assumed authorization at least on the basis of the cable replies to their cable requests. It also is apparent that the Administrative officials in the Field did nothing to inform the employees of the possible contradiction of the cable replies by the wording of the travel orders themselves.

Travel authority originally was requested by the [] office by cable some weeks before the employees' travel was to commence. The cable requests for each of these employees were virtually identical in wording and asked approval for separate travel of the dependents of the employees on []. The cable replies from the Headquarters office in Washington to these requests differ in wording to an extent that may be significant here. The reply to the request for [] travel merely stated:

"Travel Order [] issued 31 August
for [] travel."

It made no reference to the request for separate travel, and the assumption was made in the Field that this reply approved the travel plan as requested by cable. The reply to the cable request for approval of [] travel stated:

[] travel plan approved."

Since this reply made reference to the cable requesting separate travel of dependents, the assumption was made that separate travel had been approved. The travel orders subsequently issued made no reference to separate travel. There is no allegation on the part of the employees concerned that they did not receive these travel orders before their dependents traveled and in the normal course of events they should have received them before 29 October, the date the dependents' travel commenced.

The cables were not a part of the voucher support at the time the administrative deductions were made.

Due to the legal and regulatory provisions heretofore cited, and in the absence of any supports furnished by either the employees or the officer in charge to show that the cause for dependents' advance travel met the terms of these regulations, the excess costs

were considered personal and therefore withheld on the premise that the authority to return dependents necessarily is inseparable from the authority to return the employee himself, as held in 29 Comp. Gen. 160.

Other decisions rendered by your office which would appear to support the administrative action are quoted in part as follows:

"... it is the officer-not his family-who is authorized by the statute to return to the United States on leave at Government expense. The authority to transport his family is merely incidental to the statutory leave and may not operate independently thereof." 26 Comp. Gen. 864.

"...an employee who transferred to the Point IV program while serving on an overseas assignment and who has completed his employment agreement may be reimbursed for the advance return of dependents for educational purposes in an amount not to exceed the cost of the lowest first-class accommodations on the carrier class authorized for the return of the employee. 32 Comp. Gen. 194."

The reclaim vouchers, together with copies of the original vouchers and cables are submitted for your consideration, with the request that they be returned with your decision as to whether the vouchers may or may not be certified for payment.

Very truly yours,

25X1A9A⁵

Authorized Certifying Officer

Attachments

25X1A9A

1. 25X1A9A
2. 25X1A9A
3. 25X1A9A
4. 25X1A9A

MISSING PAGE

ORIGINAL DOCUMENT MISSING PAGE(S):

Attache, A